

VI. Summary of Primary Considerations Raised in Opposition and in Support:

A total of 16 commenters provided 38 comments regarding the proposed marine protected areas boundaries and regulations. Of these, 15 comments were in support of ‘filling the gaps’ between the state and federal MPAs. An additional 6 comments advocated joint state and federal management of MPA areas and 4 comments expressed enforcement concerns. Table 1 lists the name(s), date, and the type of comment (written or oral) for each comment received. Specific comments and responses to comments, including individual portions of comments requiring multiple responses, are summarized in Table 2.

Table 1. List of commenter names and assigned comment numbers.

Comment Number	Date	Type	First Name	Last Name
1a-c	7/13/2007	Oral	Paul	Weakland
2	8/06/2007	Written	Natalie	Senyck
3a-f	8/10/2007	Oral	Chris	Mobely
4a-d	8/10/2007	Oral	Russ	Galpo
5	8/10/2007	Oral	Kate	Wing
6	8/10/2007	Oral	Chris	Miller
7	8/10/2007	Oral	Merritt	McRay
8a-b	8/10/2007	Oral	Linda	Kropp
9	8/10/2007	Oral	Shiva	Polefka
10	8/10/2007	Oral	Jessie	Alstat
11a-b	8/10/2007	Oral	Greg	Helms
12a-c	8/10/2007	Oral	Diane	Black
13a-d	8/10/2007	Written	John	Kuizenga
14a-d	6/23/2007	Written	Kate	Wing (and Greg Helms)
15a-b	6/23/2007	Written	Dan	Silver
16a-b	8/9/2007	Oral	Joel	Greenburg

Table 2. Comment summaries and responses.

Comment number	Comment Summary	Response
1a	MPA areas are being expanded and while the Department claims it is only filling “slivers” they are more.	As described in the Initial Statement, the areas being expanded are filling gaps between the existing State MPAs and newly established federal areas.
1b	It is said that GPS can be used to enforce MPAs but wardens say repeatedly that there are no fences in the sea to put a sign on. GPS is subject to failure due to activities of the U.S. Navy, solar flares, and mechanical difficulties.	Department staff have been enforcing marine boundary lines in a variety of situations for many years. Experience shows that well defined boundaries, using geographic coordinates as corners, are enforceable.

Comment number	Comment Summary	Response
1c	Deadlines and due dates are never met. The Department makes them without keeping them. This is why these things are put off and forgotten.	The Department is not aware of any missed deadlines in this regulatory process.
2	The proposed boundary for the Footprint State Marine Reserve, while intended to be fully within State Waters, is slightly outside the State Lands Act 3 nm boundary line.	The Department has reviewed the most current version of the State Lands Act boundary and agrees. The boundary will be adjusted to be at its intended location.
3a, 4a, 5, 8a, 9, 10, 11b, 12a, 14a, 14c, 14a, 15a, 16a,	Close the remaining gaps between current state Channel Island MPAs and newly implemented federal state boundary lines (as of July 29,2007)	Comment Noted
3b, 12b	Suggests an expedited legal review process for adopting and implementing new MPA boundaries; reduce confusion of public user groups and ease enforcement issues.	Existing program and legal review processes are adequate.
3c	Supports extractive activities to occur in remaining 78% of CINMS	Comment noted. Although some extractive uses will be restricted, others in accordance with normal state and federal regulations will be allowed in areas not designated with MPA status. In addition regulations are proposed that would allow the take of lobster and finfish in the Anacapa State Marine Conservation Area.
3d, 6, 11a, 12c, 14d	Supports completion of an official MOU between NOAA and CA Department of Fish and Game to formalize the joint management efforts of both agencies in these MPA areas	Comment Noted
3e	NOAA will continue to seek the advice of the CINMS sanctuary advisory council regarding management issues in this area	Comment Noted
3f	Advocates the importance of collaborative research efforts pertaining to Channel Islands MPAs	Current research in the Channel Islands National Marine Sanctuary (CINMS) is a collaborative effort between federal agencies, state agencies, private institutions, non-profit organizations, and universities. The Department acknowledges the importance and vitality of these cooperative partnerships in the monitoring of the marine protected areas (MPAs) in the state waters portion of the CINMS. These collaborative research and monitoring projects will continue with the proposed boundary changes to these state MPAs.

Comment number	Comment Summary	Response
4b	Enforcement within the Channel Islands MPAs are seeing a high compliance rate from boaters that are contacted in those areas	Comment Noted
4c	Marine conservation areas are confusing for users since certain extractive activities are allowed and others are not, and more reserves equal more difficulty in enforcement.	In order to minimize user confusion in various MPAs the Department has made available, on the web, a list which details California's MPAs, their boundaries and allowable uses (see http://www.dfg.ca.gov/mlpa/). The Channel Islands MPAs also have a separate brochure that contains similar information including MPA boundaries and allowable uses which can be obtained in hard copy. Additionally, 9 new warden positions have been funded within the Department to help with enforcement of MPAs.
4d, 7, 14b	User groups and enforcement need identifiable geographic boundary marks; know where the MPA boundaries are.	Most MPA boundaries are designed to use major onshore landmarks and simple due north/south or east/west latitude and longitude lines for ease of recognition. Boundaries are legally defined by their geographic coordinates (latitude/longitude). However, as with other conservation and closure areas, it is up to the user to make sure they are using the area legally. The Department has provided regulations and maps at www.dfg.ca.gov/marine/channel_islands .
8b	Supports overlapping management jurisdiction, a cohesive management approach ensures ecosystem protection. Joint management ensures monitoring, enforcement, research, and funding for now and future years.	Comment Noted
13b, 15b	Gaps between state and federal MPAs reduce the protection level of MPAs for ecosystem protection and it would be difficult to enforce the MPA boundaries without closing those gaps.	The Department agrees. Some small gaps remain between the state and federal marine zones that are an artifact of squaring off the state marine zones in 2003 for enforcement and ease of recognition by boaters until the federal zones were established. The California Fish and Game Commission began the process to fill these small gaps to complete the Channel Islands marine zoning network in May 2007, with an anticipated decision in October 2007. The completion of this process will create continuous boundaries easing enforcement and increasing area protections.

Comment number	Comment Summary	Response
13d	Commenter believes it is important to protect and restore our ocean resources	Comment Noted
15c	The proposed boundary amendments would make state MPAs consistent and contiguous with federal sanctuary MPAs and existing fishery management zones	Comment Noted
16b	At the onset of your original Channel Islands discussion that the commission engaged in, it was asked to have the Channel Islands dealt with in the MLPA process. That didn't happen.	<p>The original proposal to establish MPAs in the Channel Islands was brought before the Fish and Game Commission in April 1998, more than one year prior to the passage of the MLPA. Thus, the beginning of the Channel Islands process pre-dated the MLPA.</p> <p>There is no legal requirement that Channel Islands MPA development had to be implemented through the MLPA Program. Indeed, the MLPA itself expressly allows for the abbreviation of the Master Plan process to account for “equivalent activities” that have taken place before its enactment (Fish and Game Code § 2861(c)).</p>